

SERVICE DATE - FEBRUARY 23, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 582 (Sub-No. 1)

MAJOR RAIL CONSOLIDATION PROCEDURES

Decided: February 22, 2001

In a notice of proposed rulemaking (NPR) served October 3, 2000,<sup>1</sup> we proposed modifications to our major rail consolidation regulations and requested public comment on the proposed modifications. We provided that initial comments would be due on November 17, 2000; that reply comments would be due on December 18, 2000; and that rebuttal comments would be due on January 11, 2001. We have since received, in accordance with this schedule, initial comments, reply comments, and/or rebuttal comments from a wide range of parties.

In view of the complexity and importance of the issues that we must address in revising these regulations, we have decided to hold an oral argument in this proceeding beginning at 10:00 a.m. on Thursday, April 5, 2001. We anticipate that the time for the oral argument will be set at 4 hours.

No additional written comments may be filed, as an extensive written record has already been developed in this proceeding. Each party participating in the oral argument is therefore encouraged to use its oral argument time to call our attention to the points it believes are particularly important. The purpose of oral argument is not to restate the written arguments previously made, but to provide an opportunity for questions from Members of the Board, and to summarize and emphasize the key points of a party's case. The Board remains committed to issuance of final rules by June 11, 2001.

Parties who wish to participate in oral argument must indicate: (1) the issue or issues they will address; (2) how much speaking time they require; and (3) the full name(s) and title(s) of the speaker(s). Parties must provide this information to the Office of the Secretary no later than Friday, March 9, 2001, by letter (an original with 25 copies),<sup>2</sup> addressed to:

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<sup>1</sup> Major Rail Consolidation Procedures, STB Ex Parte No. 582 (Sub-No. 1) (STB served Oct. 3, 2000, and published that day at 65 FR 58974).

<sup>2</sup> Notification must be by letter (an original with 25 copies). Facsimile (fax) and e-mail submissions will not be accepted.

Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Re: STB Ex Parte No. 582 (Sub-No. 1) Oral Argument

As soon as possible after we have received the letters submitted by the parties wishing to participate, we will issue a decision setting a schedule for the oral argument (which will include a list of speakers and their allotted times).

Because the time allotted for oral argument is not unlimited, we strongly encourage parties participating in the oral argument and sharing common interests to coordinate the presentation of their views by selecting a single individual to appear at the oral argument on behalf of their common interests. Indeed, we believe that it would be in the best interest of those sharing common concerns and objectives for them to offer a single, consolidated presentation. If participants are unable to coordinate on their own, it may be necessary for us to do so in some instances so that all critical issues may be addressed within the time available. No participant in this proceeding should feel compelled to request time to speak at the oral argument. Those who do seek, and are granted, time to participate should present arguments that are focused and succinct. Moreover, if the focus of a party's interests is on matters beyond the scope of this proceeding (such as litigation or relitigation of issues addressed in other proceedings), we see no reason for that party to participate in the oral argument. Also, while we have received, and will consider, certain environmental comments as they relate to major rail mergers, we have not proposed changes to our 49 CFR part 1105 environmental regulations and do not anticipate a need for additional discussion of environmental issues at oral argument.

Because seating space in the Board's Hearing Room is limited, the Board will provide an overflow room (the Brick Room) on the first floor of the building with a closed-circuit telecast of the entire oral argument.

Any party wishing to enhance its argument by using a map as a visual aid may do so. Participants are limited, however, to projector-adaptable visual displays and/or handouts. The Board will provide space for handouts that participants wish to bring to the hearing for dissemination to the public, but, as indicated previously in this decision, no additional written comments may be submitted for the record in this proceeding. The staff of the Office of the Secretary will be available to demonstrate the Hearing Room's projection system on Tuesday, April 3, 2001, from 2:00 p.m. to 4:00 p.m. Please call (202)-565-1650 to make arrangements.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Oral argument in this proceeding will be held on Thursday, April 5, 2001, beginning at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., in Washington, D.C.

2. Parties that filed initial comments, reply comments, and/or rebuttal comments in response to the NPR, and that wish to participate in the oral argument, must notify us in writing by Friday, March 9, 2001, and must provide the specific information requested above. Notification must be by letter; facsimile (fax) and e-mail submissions will not be accepted. As in the past, we will accommodate requests by Members of Congress to appear at the oral argument, and we ask that Members of Congress provide notice of their intentions to participate by the same means, and under the same timeframes, as applicable to other parties.

3. This decision is effective on the date of service.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams  
Secretary